

quinn emanuel trial lawyers | new york

51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL: (212) 849-7000 FAX: (212) 849-7100

WRITER'S DIRECT DIAL NO.
(212) 849-7220

WRITER'S INTERNET ADDRESS
faithgay@quinnemanuel.com

August 19, 2012

VIA ECF

Hon. Dora L. Irizarry
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *In Re: Glaceau Vitaminwater Litig.*, Case No. 1:11-md-02215-DLI-RML

Dear Judge Irizarry:

We represent the defendants and write in response to Mr. Gardner's letter dated August 17, 2012. Although defendants disagree with the statements in Mr. Gardner's letter, the important information on which all parties agree is that (1) plaintiffs have decided not to substitute new named plaintiffs in place of Ms. Ackerman, Mr. Volz, or Mr. Cook, and (2) the parties agree to the following proposed briefing schedule:

August 31, 2012:	Opening briefs by defendants in support of summary judgment against plaintiffs Ackerman, Volz, and Cook
October 9, 2012:	Opposition briefs by plaintiffs Ackerman, Volz, and Cook in opposition to summary judgment
November 13, 2012:	Reply briefs by defendants in further support of summary judgment against plaintiffs Ackerman, Volz, and Cook

We are available at the Court's convenience if it would be helpful to discuss these matters.

Respectfully,

/s/ Faith E. Gay

Faith E. Gay

quinn emanuel urquhart & sullivan, llp

LOS ANGELES | 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543 | TEL (213) 443-3000 FAX (213) 443-3100
SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111-4788 | TEL (415) 875-6600 FAX (415) 875-6700
SILICON VALLEY | 555 Twin Dolphin Drive, 5th Floor, Redwood Shores, California 94065-2139 | TEL (650) 801-5000 FAX (650) 801-5100
CHICAGO | 500 W. Madison Street, Suite 2450, Chicago, Illinois 60661-2510 | TEL (312) 705-7400 FAX (312) 705-7401
WASHINGTON, DC | 1299 Pennsylvania Avenue NW, Suite 825, Washington, District of Columbia 20004-2400 | TEL (202) 538-8000 FAX (202) 538-8100
LONDON | 16 Old Bailey, London EC4M 7EG, United Kingdom | TEL +44(0) 20 7653 2000 FAX +44(0) 20 7653 2100
TOKYO | NBF Hibiya Bldg., 25F, 1-1-7, Uchisaiwai-cho, Chiyoda-ku, Tokyo 100-0011, Japan | TEL +81 3 5510 1711 FAX +81 3 5510 1712
MANNHEIM | Erzbergerstraße 5, 68165 Mannheim, Germany | TEL +49(0) 621 43298 6000 FAX +49(0) 621 43298 6100